

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PEGGY A. VANWAGENEN,

Plaintiff,

vs.

NELSON & KENNARD and ROBERT  
SCOTT KENNARD, individually and in his  
official capacity,

Defendants.

Case No.: 12-cv-04736-YGR

**ORDER GRANTING MOTION TO STRIKE  
AFFIRMATIVE DEFENSES**


Plaintiff filed a Motion to Strike Affirmative Defenses on December 4, 2012. (Dkt. No. 13.) Defendants' opposition was due on December 18, 2012. Civ. L.R. 7-3(a). No opposition was filed. Plaintiff filed a Statement of No Opposition Received to Motion to Strike Affirmative Defenses on January 4, 2013. (Dkt. No. 15.) The hearing is scheduled for January 15, 2013.

Because of Defendants' failure to timely oppose the Motion to Strike Affirmative Defenses, and good cause appearing, the Court **GRANTS** Plaintiff's Motion to Strike. All of Defendants' affirmative defenses contained in their Answer (Dkt. No. 12) are hereby **STRICKEN**. Any attempt to re-assert any of the stricken affirmative defenses must be done by way of noticed motion in compliance with the Civil Local Rules.

The hearing scheduled for January 15, 2013 is hereby **VACATED**. This Order terminates Dkt. No. 13.

**IT IS SO ORDERED.**

Dated: January 4, 2013

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE